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CULTURE, DIFFERENCE AND LAW

Patrick Macklem & Craig Scott

Faculty of Law

University of Toronto

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BRIDGE #3

WEEK OF JANUARY 24-28, 1994

CULTURE, DIFFERENCE AND LAW

Patrick Macklem & Craig Scott

Session 1: Culture, Difference and Cultural Difference

Monday, January 24: Afternoon

2:00-2:40	Respect for Cultural Difference Craig Scott	1. Taylor, "The Politics of Recognition" in Gutmann, ed., Multiculturalism and 'The Politics of Rescognition', 2. Said, Covering Islam: How the Media and the Experts Determine How We See the Rest of the World, 3. Spurr, The Rhetoric of Empire: Colonial Discourse in Journalism, Travel Writing & Imperial Administration

2:50-4:10	Culture, Difference and Identity Nitya Iyer	1. Duclos, "Lessons of Difference" 2. Iyer, "Categorical Denial: Equality Rights and the Shaping of Social Identity"

4:20-5:00	Whose Culture(s)? Nitya Iyer & Craig Scott	1. Anderson, "The Biography of Nations" in Imagined Communities 2. Devan & Heng, "State Fatherhood: The Politics of Nationalism, Sexuality and Race in Singapore" in Parker et al, Nationalisms and Sexualities 3. Weston, "Coming Out to 'Blood' Relatives" & "Exiles from Kinship" in Weston, Families We Choose: Lesbians, Gays, Kinship 4. Herdt and Boxer, "Introduction: Culture, History, and Life Course of Gay Men" in Herdt, ed., Gay Culture in America: Essays from the Field 5. Dolnick, "Deafness as Culture"

Session 2: Difference and Judging

Tuesday, January 25: Morning

9:00-10:20	Perspective, Privilege and Judging Jennifer Nedelsky & Mary Eaton	1. Nedelsky, "The Challenges of Multiplicity" 2. McIntosh, "White Privilege and Male Privilege: A Personal Account of Coming to see Correspondence Through Work in Women's Studies",
10:30-11:10	Who Judges? A Sociology of the Legal Profession John Hagan	The Task Force on Gender Equality, Touchstones for Change: Equality, Diversity and Accountability
11:20-12:00	Who Does the Judge Hear? John Borrows	1. Leslie Hall Pinder, The Carriers of No: After the Land Claims Trial 2. McEachern C.J.B.C. extracts from Delgamuukw v. B.C.

Tuesday, January 25: Afternoon -

First Half of Class

2:00-3:30	Discussion Groups 1-4: Juries as Judges: Questions of Composition & Representation	R. v. Parks

Second Half of Class

3:30-5:00	Discussion Groups 5-8: Juries as Judges: Questions of Composition & Representation	R. v. Parks

Session 3: Cross-Cultural Dialogue

Wednesday, January 26: Morning

9:00-10:15	Human Rights, Universality and Cultural Relativism Abdullahi An Na'im & Heiner Bielefeldt	1. An Na'Im, "Toward a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman and Degrading Treatment or Punishment" 2. Bielefeldt, "Christians and Muslims Facing the Challenge of Human Rights"
10:25- 11:10	Aboriginal/Non-Aboriginal Dialogue John Borrows	1. Riddington, "Cultures in Conflict: The Problem of Discourse"
11:10- 12:00	Commentary/Discussion: An Na'im, Bielefeldt, & Borrows	

Session 4: Cultural Pluralism and the Constitutional & International Ordering of Societies.

Wednesday, January 26: Afternoon

2:00-2:40	Cultural Pluralism and Freedom of Religion Stephen Waddams	Adler v. The Queen
2:50-3:30	Moral and Legal Responses to the Multi-Cultural, Multi-Ethnic State Denise Réaume	Réaume, "Moral and Legal Responses to the Multi-Cultural, Multi-Ethnic State"
3:40-4:30	Problems of Electoral Representation Kent Roach	1. Roach, "Chartering the Electoral Map into the Future" 2. Guinier, "The Triumph of Tokenism: The Voting Rights Act and the Theory of Black Electoral Success" 3. Turpel, "Indigenous Peoples' Rights of Political Participation and Self-Determination: Recent International Legal Developments and the Continuing Struggle for Recognition"

Thursday, January 27: Morning

Thursday 9:00-10:30	<u>Law Beyond Difference? International Law and the Aspiration to World Government</u> Karen Knop & Rob Howse	1. Falk, "A New Paradigm for International Legal Studies: Prospects and Proposals" 2. Morgan, "Retributory Theatre" 3. Lessing, "Ernst and Falk" 4. Kant, "Perpetual Peace: A Philosophical Sketch" 5. Kojève, "Tyranny and Wisdom" 6. Strauss, "Restatement on Xenophon's Hiero"
		7. Gutmann, "The Challenge of Multiculturalism in Political Ethics"
10:40 - 11:30	Discussion	